

Senate bill No. 8, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government, for claims registered and estimated in the Comptroller's office, and appropriations for positions created by the Thirty-second Legislature for the fiscal year ending August 31, 1911, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Acting Chairman

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,
Friday, Aug. 11, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Meachum.
Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Watson.
McNealus.	Weinert.

Absent.

Perkins.

Absent—Excused.

Warren.

Willacy.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield the same was dispensed with.

See Appendix for standing committee reports.

SIMPLE RESOLUTION.

By Senator Cofer:

Whereas, The Governor of Texas, in a message addressed to this, the

First Called Session of the Thirty-second Legislature, states that "it is alleged that irregularities and frauds were committed in the recent election on the proposed amendment to the State Constitution prohibiting the manufacture and sale of intoxicating liquors in Texas. It is also charged that in different counties and localities individuals and county officials violated the law regulating the payment of poll taxes," and

Whereas, The Governor has issued a proclamation which was made a part of said message wherein he states that

"Whereas, It has been publicly alleged and charged that various and sundry persons, not named, in various and sundry counties and localities in Texas, not named, have violated the law regulating the payment and issuing of poll tax receipts; and

"Whereas, It is alleged and charged without naming the persons and places, that gross irregularities and frauds were practiced in the holding of the election on July 22nd on the proposed amendment to the Constitution of the State of Texas prohibiting the manufacture and sale of intoxicating liquors in this State," and

Whereas, The Governor has offered a reward of \$50.00 for the arrest and conviction of any person guilty of fraudulently paying for poll tax receipts, or any person fraudulently issuing the same; and

Whereas, The Governor has also offered a reward for the arrest and conviction of any person holding the election and making returns of same who may be guilty of fraudulent acts against the election laws of this State or the purity of the ballot, or any person guilty of intimidating legal voters; and

Whereas, The Governor has requested an appropriation of \$27,500.00 for the fiscal year beginning September 1, 1911, for the purpose of investigating violations of the poll tax and election laws and the enforcement of the same against the offenders; and

Whereas, It is commonly understood and believed that a wide-spread conspiracy to violate the election laws of this State by the illegal use of money by persons, corporations, organizations and associations of persons, the fraudulent issuance of poll tax receipts, the unlawful payment thereof, and use thereof, and many evasions of the provisions of the elec-

tion law to prevent illegal and corrupt voting; and

Whereas, It is the duty of this Legislature to pass adequate appropriations for the purpose of furnishing the Governor with sufficient money to enable him to enforce the laws against all persons violating the same, and for the purpose of paying the rewards offered in his said proclamation; and

Whereas, It is important to ascertain the amount necessary and to make an appropriation sufficiently large to pay the fees of sheriffs, county and district attorneys and other officers of this State in all cases wherein the State is liable for such costs in the enforcement of the laws of this State; especially such violations growing out of the matters hereinbefore specified; and

Whereas, It is necessary, in order to re-district the State in Senatorial Districts, to ascertain the number of qualified voters in the State of Texas in order that said districts may be legally and constitutionally established; and to that end it is necessary and important to determine whether or not there have been issued and are outstanding at this time any illegal poll tax receipts; and

Whereas, It is necessary in order to properly determine the amount of money to be appropriated by this session of the Legislature for the various departments of government charged with the duty of the enforcement of the laws to ascertain the extent of the violations of same. Therefore, be it

Resolved, That the Senate Investigating Committee, heretofore elected and now acting, shall, in addition to the duties heretofore assigned to said committee, inquire into and make diligent investigation of all of the matters and things heretofore and hereinbefore set forth and specified, including a full, complete and comprehensive investigation into any violations of the election laws of this State; or any election frauds committed, and especially in regard to the election held in this State on July 22nd of this year on the constitutional amendment prohibiting the manufacture and sale of intoxicating liquors; and to further inquire into the employment, if any, of any member or members of the Senate to use his influence to secure the adoption or defeat of said constitutional amendment; or to enact or obstruct

legislation relating to any matters which are before this Legislature for investigation; for the purpose of enabling the Legislature to properly legislate upon the amount of money which should be appropriated to the Governor for the enforcement of the laws as set forth in his message; and for the payment of rewards as set forth in his said proclamation; and

Second. For the purpose of ascertaining the amount of money necessary to be appropriated by this Legislature for the enforcement of the laws of this State, especially those prohibiting violations of the election laws and laws regulating the holding of elections in this State; and

Third. For the purpose of ascertaining the number of fraudulent poll tax receipts issued in order that such information may be used in properly re-districting the State of Texas; and

Fourth. For the purpose of eliciting all the facts and information concerning the matters hereinbefore set forth for the use and benefit of this Legislature in enacting any legislation deemed necessary upon subjects now pending before this session of the Legislature or which may properly come before this session of the Legislature for consideration or any future Called Session of this Legislature, and for the use and benefit of any subsequent Legislature in passing such remedial legislation as may be necessary to maintain, safeguard and protect the purity, freedom and honesty of the ballot and uncorrupted independence of the voters, and to that end, the said Senate Investigating Committee, in addition to the power and authority heretofore granted and conferred upon said committee or any member thereof or any subcommittee appointed by such committee, shall have all of the power and authority conferred by the Constitution and laws of this State and by the resolution heretofore adopted, and is hereby given the necessary power and authority to hear testimony, to swear witnesses, to administer oaths, to send for books, papers, letters, telegrams and documents and to compel the production of such matters and things before said committee or the subcommittee, or any member thereof, as such committee or subcommittee, or member thereof, may deem necessary to the proper carrying out of the purposes of this investigation; and in addition to the means authorized by the Con-

stitution and laws of the State of Texas, said committee or any member thereof, or subcommittee appointed by said committee, may report to the Senate any refusal to obey process or any disobedience of process or any disrespectful or disorderly conduct in its presence, or any person or persons obstructing any of its proceedings, and may report to the Senate any refusal by any person to take the oath required by law in giving testimony or who may refuse to answer any question or questions propounded by the Senate Investigating Committee or any member thereof or any subcommittee of said Investigating Committee touching the knowledge or information of said witness or person as to any violation of the laws of this State relating to the matters hereinbefore set forth, and have any person guilty thereof, or any part thereof, or charged of being guilty thereof, or any part thereof, brought before the bar of the Senate to be dealt with as the Senate may direct. The expenses of said committee or any member thereof, or of any subcommittee and members thereof in conducting the investigation and securing the additional information required by this resolution and in procuring the attendance of witnesses and paying therefor, and the service of process and paying therefor, and all other expenses necessarily incurred in conducting the investigation herein provided for, shall be paid out of the contingent expense fund of the Senate upon the warrant of the chairman of said committee authorized by the committee itself.

Said Senate Investigating Committee shall have all the power and authority heretofore granted said committee to aid it in carrying out the additional duties and labors directed by this resolution.

Sturgeon, Lattimore, Bryan, Cofer, Johnson, Mayfield, Carter, Ratliff, Greer, Collins, Vaughan, Perkins, Warren, Terrell of Wise, Townsend, Ward, McNealus.

The above resolution was read, and on motion of Senator Cofer, adopted.

LETTER FROM PRESIDENT OF UNITED STATES.

The Chair laid the following letter before the Senate, which was read:

The White House,

Washington, August 5, 1911.

Gentlemen: The President very greatly appreciates the cordiality of the invitation extended to him on behalf of the Legislature of Texas, and requests me to convey to you, and through you to the members of the Legislature, an expression of his warmest thanks. While he fears it will not be possible for him to visit Austin on the 12th of October, he will be glad to give very careful consideration to your wishes when he has opportunity to take up the question of arranging the itinerary and schedule of his proposed trip. At that time I shall be glad to call especial attention to the matter and to advise the chairman of the invitation committee promptly in the event the President finds it possible to accept.

With renewed thanks in the President's behalf, I am,

Sincerely yours,
CHARLES D. HILLES,
Secretary to the President.

Hon. C. V. Terrell, President Pro Tem of the Senate.

Hon. Sam Rayburn, Speaker of the House.
Austin, Texas.

Morning call concluded.

HOUSE BILL NO. 6.

The Chair laid before the Senate the pending business, Senate bill No. 3, and

Senator Lattimore moved to suspend pending business for the purpose of taking up, out of its order, House bill No. 6.

The motion prevailed by the following vote:

Yeas—24.

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Astin. Kauffman.
Collins. Perkins.
Hume.

Absent—Excused.

Warren. Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 6, A bill to be entitled "An Act to provide for an appropriation of \$8000 out of the one hundred thousand dollars authorized by the Constitution of the State of Texas for the support of the Confederate Home for the year 1911, for building, painting and repair of said Home."

On motion of Senator Lattimore, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams. Murray.
Bryan. Paulus.
Carter. Peeler.
Cofer. Ratliff.
Greer. Real.
Hudspeth. Sturgeon.
Johnson. Terrell, Wise.
Kauffman. Townsend.
Lattimore. Vaughan.
Mayfield. Ward.
McNealus. Watson.
Meachum. Weinert.

Absent.

Astin. Hume.
Collins. Perkins.

Absent—Excused.

Terrell, McLennan, Willacy.
Warren.

Bill read third time, and passed by the following vote:

6—S.

Yeas—27.

Adams. Murray.
Astin. Paulus.
Bryan. Peeler.
Carter. Ratliff.
Cofer. Real.
Greer. Sturgeon.
Hudspeth. Terrell, McLennan.
Hume. Terrell of Wise.
Johnson. Townsend.
Kauffman. Vaughan.
Lattimore. Ward.
Mayfield. Watson.
McNealus. Weinert.
Meachum.

Absent.

Collins. Perkins.

Absent—Excused.

Warren. Willacy.

Senator Lattimore moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 3.

The Chair laid before the Senate, as the pending business, Senate bill No. 3.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "months" in line 21, page 20, the words: "Who shall reside at the Pass while he is in the employ of the State."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill as amended, page 49, by adding after line 11 the following:

"Department of Agriculture, \$1200.00 first year, \$1000.00 second year.

"Department of Manual Training, \$800.00 first year, \$500.00 second year.

"Department of Domestic Science, \$500.00 each year.

"Cement floors in basement, \$1000.00 first year.

"Student labor fund, \$1000.00 each year."

WEINERT,
MEACHUM,
KAUFFMAN.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 92, by adding after line 26, the following:

"OLD WOMAN'S CONFEDERATE HOME.

"For the purpose of maintaining the Old Woman's Confederate Home the sum of \$6000.00 each year. This appropriation shall be available only in the event the State Board of the Old Woman's Confederate Home deems the same advisable."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 92, by striking out the following in line 18, "and stenographer," and insert between lines 18 and 19 the following, "Salary of one stenographer, \$900.00" for each year.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 93, by striking out "960.00" in line 18, for the year 1913, and inserting between lines 18 and 19 the following, "Salary of three teachers, \$480.00 each, \$1440.00 for the year 1913."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 93, by striking out "\$1200.00" in line 19, for the year 1913, and inserting between lines 19 and 20 the following, "Salary of three teachers, \$600.00 each—\$1800.00 for the year 1913."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 93, by striking out all of line 20 and inserting in lieu thereof the following: "Salaries of sixteen guards, \$420.00 each for the year 1912, \$6720.00," and inserting the following between lines 20 and 21, "Salaries of 18 guards, (\$420.00 each), for the year 1913, \$7560.00."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 93, line 23, by striking out "\$400.00" wherever it appears and inserting in lieu thereof "\$600.00."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 93, line 24, by striking out "\$400.00" wherever it appears and inserting in lieu thereof "\$720.00."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 93, by striking out lines 26 and 27, and inserting after the word "maintenance" in line 25, the following: "Fuel, per diem, traveling expenses and Board of Managers."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 93, line 28, by striking out "books and slates," and inserting in lieu thereof "school supplies."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 94, line 3, by striking out "\$400.00" wherever it appears, and inserting in lieu thereof "\$1000.00" first year and "\$500.00" second year.

EXECUTIVE OFFICE.

Senator Sturgeon offered the following amendment:

Amend the printed bill as amended on page 4 by striking out lines 21, 22, 23, 24, 25, 26, 27, 28 and 29.

Sturgeon, Mayfield, Collins, Cofer, Ratliff, Johnson, Terrell of Wise, Lattimore, Greer, Townsend, Vaughan, Bryan, McNealus, Ward.

The amendment was read and adopted by the following vote:

Yeas—12.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.

Nays—10.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Murray.	Weinert.

Present—Not Voting.

McNealus.

PAIRED.

Senator Meachum (present), who would vote "nay," with Senator Collins (absent), who would vote "yea."

Senator Real (present), who would vote "nay," with Senator Perkins (absent), who would vote "yea."

Senator Greer (present), who would vote "yea," with Senator Wil-lacy (absent), who would vote "nay."

Senator Kauffman (present), who would vote "nay," with Senator Warren (absent), who would vote "yea."

Senator Weinert offered the following amendment which was read and adopted:

Amend the bill, page 94, by striking out lines 4 and 5, and inserting in lieu thereof the following: "Purchase of brass band instruments and employment of teacher, \$500.00 for year 1912, and \$500.00 for year 1913."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 94, line 7, by striking out "\$20,000.00" for the year 1913, and inserting in lieu thereof "\$30,000.00" for the year 1912.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 94, line 9, by striking out "\$10,000.00" for the year 1912, and inserting in lieu thereof "\$10,000.00" for the year 1913.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 94, by adding after the word "employed" in line 28, the following: "Provided that the per diem of the Board of Managers shall be \$5.00 for each member of the Board for each day while actually spent in travel, if any. Provided, in case of consultation or surgical assistance the physician shall secure and pay for such assistance out of his salary. Provided, that the Board of Managers are hereby authorized to use the farm products fund to acquire additional lands for the institution when said purchase and expenditure has been approved by the Governor."

ATTORNEY GENERAL'S DEPARTMENT.

Senator Weinert offered the following amendment:

Amend the bill, page 26, by striking out all of lines 16, 17, 18, 19, 20, 21

and 22, and insert in lieu thereof the following: "Salary of seven assistants, one of whom shall be designated First Office Assistant Attorney General. Three of the seven shall each receive \$2500.00 per year, and the remaining four shall each receive the sum of \$2000.00 per year, \$15,500.00 for each year."

Senator Johnson offered the following substitute for the amendment:

Substitute for pending amendment. Amend committee report by striking out, on page 26, all after line 7, and all of page 27 and all on page 28, down to line 12, and inserting in lieu thereof the following:

"For the years ending August 31, 1912, August 31, 1913. For the support and maintenance of the Attorney General's Department, including postage, stationery, telegrams, telephones, furniture, repairs, express, typewriters and fittings, contingent expenses, costs in civil cases in which the State of Texas or any head of a department is a party; for the actual traveling expenses and hotel bills incurred by the Attorney General or any of his assistants or employes in giving attention to the business of the State elsewhere than in the city of Austin; for depositions and procuring evidence and documents to be used in civil suits or contemplated suits wherein the State is a party; for law books and periodicals; for the payment of any and all expenses incident to and connected with the administration of the duties of the Attorney General's office; for the enforcement of any and all laws, wherein such duty devolves upon the Attorney General; for the payment of any and all expenses in bringing, prosecuting and defending suits; for the payment of the salary and maximum fees provided by the Constitution for the Attorney General, and for the payment of the salaries and compensation of his assistants and employes and other help deemed by the Attorney General to be necessary to carry on the work of the Attorney General's Department, there is hereby appropriated the sum of eighty-three thousand one hundred and sixty (\$83,160.00) dollars, to be expended during the two fiscal years ending August 31, 1912, and August 31, 1913, to be paid by the Treasurer on warrants drawn by the Comptroller upon vouchers approved by the Attorney General, \$41,580.00, \$41,580.00."

For the guidance of the Attorney General in the expenditure of such sums out of the above item of appropriation of \$83,160.00 as may be necessary to properly conduct the business of his department, he is hereby empowered and authorized to employ such regular assistants as he may deem necessary, not to exceed seven in number at any one time, one of such assistants he shall designate as First Office Assistant Attorney General; and there may be expended out of the above item of appropriation a sum not exceeding \$20,000 per annum for the purpose of paying the salary of the Attorney General at \$2000 per annum and such fees as are prescribed by law, not to exceed \$2000 per annum, and for the purpose of paying the salaries of the assistants employed; provided, that no assistant shall receive more salary than \$2500 per annum; and the Attorney General shall have the power and authority to employ such stenographic clerks as he may deem necessary to carry on the work of the Department, not to exceed four in number, one of whom shall be chief clerk and bookkeeper; and there may be expended out of the above item of appropriation a sum not to exceed \$4900 per annum to pay the salaries of such stenographic clerks; provided, that no stenographic clerk shall receive more than \$1300 per annum; there may be employed one porter, who shall be paid out of the above item of appropriation a salary of \$480.00 per annum; there may be expended out of the above item of appropriation, for postage, stationery, telegrams, telephones, furniture, repairs, express, typewriters and fittings, and contingent expenses, so much thereof as may be necessary, not to exceed the sum of \$1350.00 per annum. The remainder of the above item of appropriation, or so much thereof as may be deemed necessary by the Attorney General, shall be expended for costs in civil cases in which the State of Texas or any head of a department is a party; for the actual traveling expenses and hotel bills incurred by the Attorney General, or any of his assistants or employees, in giving attention to the business of the State elsewhere than in the city of Austin; for depositions and procuring evidence and documents to be used in civil suits, or contemplated suits, wherein the State is a

party; for law books and periodicals; and for the enforcement of any and all laws of the State of Texas wherein that duty devolves upon the Attorney General, and for the payment of any and all expenses deemed necessary by the Attorney General in the prosecution and defense of all suits, and particularly for the enforcement of the anti-trust and corporation laws and for the employment of special counsel and other help when the same may be deemed necessary by the Attorney General; provided, that the head of said Department shall keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made biennially by the head of said Department; provided, that the amount herein appropriated as stated herein, and no more, shall be paid out of the general revenue for the Attorney General's Department during the fiscal years beginning September 1, 1911, and ending August 31, 1913; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amount herein appropriated.

The substitute for the amendment was read, and

Senator Hume moved the previous question on the substitute and the amendment, the same being duly seconded, was so ordered.

The substitute was adopted by the following vote:

Yeas—14.

Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Johnson	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.

Nays—10.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Murray.	Weinert.

Absent.

Perkins.

PAIRED.

Senator Kauffman (present), who would vote "nay," with Senator Warren (absent), who would vote "yea."

Senator Meachum (present), who would vote "nay," with Senator Collins (absent), who would vote "yea."

Senator Greer (present), who would vote "yea," with Senator Wil-lacy (absent), who would vote "nay."

The amendment, as substituted, was then adopted by the following vote:

Yeas—14.

Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Johnson.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.

Nays—10.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Murray.	Weinert.

Absent.

Perkins.

PAIRED.

Senator Greer (present), who would vote "yea," with Senator Wil-lacy (absent), who would vote "nay."

Senator Meachum (present), who would vote "nay," with Senator Collins (absent), who would vote "yea."

Senator Kauffman (present), who would vote "nay," with Senator Warren (absent), who would vote "yea."

MISCELLANEOUS ITEMS.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 103, by adding after line 23, the following: "To refund to R. A. J. Kell, tax collector of Johnson county, amount refunded to Hughes & Ewing, their unearned portion of liquor dealer's license, \$66.67."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 103, between lines 19 and 20, by inserting the following: "To pay Dr. B. M. Worsham, including costs of court, as

evidenced by a judgment in the justice court of Travis county, Precinct No. 1, in case of F. Vogtsberger vs. B. M. Worsham, same being a sum of money that was deposited with the said Dr. Worsham when the said Worsham was Superintendent of the Austin Insane Asylum by an inmate of that institution, said sum being after said inmate was discharged refunded to said inmate, and afterwards suit was filed by a sister of said inmate and judgment recovered of said B. M. Worsham for said sum in the justice court of said county, \$205.95."

PERSONAL PRIVILEGE STATEMENT.

The following was read to the Senate:

Senate Chamber,
August 11, 1911.

To the Senate.

When the Senate elected me a member of the investigating committee, I hesitated to sit with the committee, not that I desired to shirk any duty imposed upon me by this body, but because I was doubtful as to the committee's legal powers, and preferred to wait until the committee's authority could be determined in order that I might know whether or not this was to be a legal investigation.

The committee, however, having declined to test its authority, is proceeding with the examination of such witnesses as voluntarily appear before said committee, I therefore feel it my duty to serve as a member of said committee.

I desire to expressly state, however, that in this decision I do not relinquish or waive my personal opinion as to the committee's legal authority to conduct such an investigation, but in consenting to serve on said committee am doing so in deference to the wishes of a majority of the Senate.

TERRELL of McLennan.

SENATE BILL NO. 3.

Action recurred on the pending business, the question being on the Miscellaneous Items.

Senator Weinert offered the following amendment:

Amend the bill, page 103, line 23, by inserting "\$4000.00" in lieu of "\$10,000.00."

The amendment was read and adopted by the following vote:

Yeas—19.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Kauffman.	Watson.
Mayfield.	Weinert.
Murray.	

Nays—4.

Cofer.	Lattimore
Johnson.	Ward.

Present—Not Voting.

McNealus.

Absent.

Collins.	Perkins.
Meachum.	

Absent—Excused.

Terrell.	McLennan.	Warren.
Vaughan.	Willacy.	

Senator Weinert offered the following amendment:

Amend the bill by adding after line 23, page 102, the following:

"(1) To pay C. A. Craighead for salary as ranger for the month of February, 1910; also a part of expenses during same month, \$56.95.

"(2) To refund to Manuel Flores of Wilson county unused part of occupation tax on cock pit, \$22.50.

"(3) To pay E. M. Mobley, ex-sheriff of Howard county, for service rendered in felony cases for the years 1908 and 1909, the payment of which was delayed by temporary loss of original vouchers until same were barred by the statute requiring presentation for payment within twelve months after such services were performed, \$221.12.

"(4) To pay E. M. Mobley, ex-sheriff of Howard county, for attaching and conveying Lee Waters from Howard county to the Criminal District Court of Dallas county in October, 1908, under peremptory orders from the judge of said court, and payment of which has been declined by the Comptroller for the reason the judge of said court ordered said witness conveyed without giving such

witness the privilege of making bond, \$47.20.

"(5) To pay W. F. McGaughy, ex-sheriff of Nolan county, for services rendered and expenses incurred in arresting Louis McGinley in the year 1906 in the Republic of Mexico, and causing his return to the District Court of Nolan County upon a felony charge, \$259.24.

"(6) To pay the Shotwell Telephone Company of Falls County for gross receipts taxes erroneously paid under Chapter 18 of the Acts of the Thirtieth Legislature, \$50.00.

"(7) To carry into effect House Concurrent Resolution No. 32, enacted at the Regular Session of the Thirty-second Legislature, providing for the preparation and presentation of the claim of the State of Texas against the United States for the protection of her frontier during the latter part of 1859 and the first part of 1860, \$2,000.00.

"(8) To pay J. W. Benson for services rendered in the ranger force of the State of Texas during the months of October, 1860, to March, 1861, said claim to be paid provided same be approved by the Adjutant General of the State, \$125.00."

The above amendment was read and a division was called for and the same was acted on by items, the items being numbered.

Item No. 1 was read and adopted.

Item No. 2 was read and adopted.

Item No. 3 was read and adopted.

Item No. 4 was read and adopted.

Item No. 5 was read and adopted.

Item No. 6 was read and adopted.

Item No. 7 was read and adopted.

Item No. 8 was read and adopted.

Senator Mayfield offered the following amendment, which was read and adopted:

Amend the bill, page 40, line 27, by striking out "six thousand dollars" wherever it appears and substituting in lieu thereof "seventeen thousand five hundred dollars."

Senator Townsend offered the following amendment, which was read and adopted:

Amend the bill by adding between lines 28 and 29, on page 103, the following:

"Provided, that the heads of all State departments shall keep, or cause to be kept, a record of his or their absence from their respective departments, and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record

of such absences shall be incorporated in the report made annually by the head of such department."

(Senator Lattimore in the chair.)

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by striking out lines 16, 17, 18, 19 and 20, on page 101, and insert in lieu thereof the following:

"To pay A. B. Davidson, Lieutenant-Governor, the per diem which he is entitled to under the Constitution during the session of the Legislature, the Legislature having imposed upon him the duty of serving upon the board created for the purpose of locating experiment stations; said compensation to be Five (\$5.00) Dollars per day for the time actually engaged in the discharge of this duty during vacation, \$500.00."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the printed bill, page 103, by inserting between lines 23 and 24 the following:

To erect a monument at the grave of Governor George T. Wood, near Point Blank, in San Jacinto county, and to erect a suitable iron fence around his grave (this appropriation to be used under the direction of the Governor and Superintendent of Public Buildings and Grounds), \$2,000.00."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, page 98, line 29, by striking out the word "House" and inserting in lieu thereof the word "Howth."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, Senate bill No. 100, by inserting after line 32 the following:

"To refund to the Rio Grande and Eagle Pass Railroad taxes paid under Chapter 141, Acts of the Twenty-ninth Legislature of the State of Texas, for the years 1905 and 1906, said act having been declared unconstitutional by the Supreme Court of the United States, \$982.04."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 28, by inserting between lines 11 and 12 the following:

"Provided, further, that the Attorney General shall collect, from those requesting any opinion for each opinion rendered by his department other than the opinions to the Governor, members of the Legislature when in session and the heads of State Departments, and district and county judges, and county attorneys of the different counties in this State the sum of \$10.00 for each opinion, and same shall be deposited by him with the State Treasurer to the credit of the general revenue fund."

Senator Watson offered the following amendment, which was read and adopted:

Amend the printed bill, page 100, by adding between lines 21 and 22 the following:

"To pay Hugh R. Burnaby, official Stenographer of the Fifty-eighth Judicial District, in case of State of Texas vs. Henry Williams, tried in Jefferson county, Texas, the sum of sixty-three (\$63.00) dollars."

COLLINS,
WATSON.

Senator Watson offered the following amendment, which was read and adopted:

Amend the printed bill, page 100, by adding between lines 18 and 19, the following: "To pay Theo. G. Eisenlohr amount due as official stenographer in Cause No. 5131, Twenty-first Judicial District, in the case of the State of Texas vs. Charlie McClellan, the sum of nineteen (\$19.50) dollars and fifty cents."

Senator Watson offered the following amendment, which was read and adopted:

Amend the printed bill, page 100, by adding between lines 25 and 26, the following:

"To pay accounts of official stenographers appointed by the district courts to take and transcribe testimony under Section 15, Chapter 39 of the General Laws, passed by the Thirty-first Legislature of the State of Texas, the sum of three hundred (\$300.00) dollars."

WATSON,
COLLINS.

Senator Ratliff here moved that the Senate recess until 2:30 o'clock p. m. today, but the motion was lost.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by adding between lines 6 and 7, on page 100, the following: "The sum of one thousand dollars or so much thereof as may be necessary for the purpose of employing competent attorneys to assist in enforcing the live stock quarantine laws of Texas."

HUDSPETH.
WEINERT.

Senator Adams offered the following amendment, which was read and adopted:

Amend the bill by adding to page 103 the following: "To pay A. B. Davidson, Lieutenant Governor, and John Marshall, former Speaker of the House, the sum of five dollars per day each while serving on the board locating the West Texas Normal School."

(Lieutenant Governor Davidson in the chair.)

Senator Lattimore offered the following amendment, which was read and adopted:

Amend printed bill, page 103, by adding after line 23 the following: "For the payments to W. J. Bailey of rent of farm for experiment station at Fort Worth for year ending December 1, 1911, in accordance with written contract made with W. J. Bailey by T. M. Campbell, Governor, A. B. Davidson, Lieutenant Governor, and E. R. Kone, Commissioner of Agriculture, the sum of \$916.33, or so much thereof as may be due him according to findings of Board of Experimental Stations."

Senator Townsend offered the following amendment:

Amend the bill by striking out lines 11 to 15, inclusive, on page 18 of printed bill.

Senator Weinert moved the previous question on the amendment and the bill, which being duly seconded, was so ordered.

The amendment by Senator Townsend was lost by the following vote:

Yeas—8.

Lattimore.	Terrell, Wise.
Mayfield.	Townsend.
McNealus.	Vaughan.
Sturgeon.	Ward.

Nays—17.

Adams.	Bryan.
Astin.	Cofer.

Hudspeth.	Peeler.
Hume.	Ratliff.
Johnson.	Real.
Kauffman.	Terrell, McLennan
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Collins.	Perkins.
Greer.	

Absent—Excused.

Carter.	Willacy.
Warren.	

Bill read second time, and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Ratliff.
Cofer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Present—Not Voting.

McNealus.

Absent.

Collins.	Perkins.
Greer.	

Absent—Excused.

Carter.	Willacy.
Warren.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Kauffman.
Astin.	Lattimore.
Bryan.	Mayfield.
Cofer.	McNealus.
Hudspeth.	Meachum.
Hume.	Murray.
Johnson.	Paulus.

Peeler.	Townsend.
Ratliff.	Vaughan.
Real.	Ward.
Sturgeon.	Watson.
Terrell, McLennan	Weinert.
Terrell, Wise.	

Absent.

Collins.	Perkins.
Greer.	

Absent—Excused.

Carter.	Willacy.
Warren.	

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

We vote "yea" because the State Government can not continue without an appropriation of money necessary to that end, but wish to protest against the wholesale increases in salaries which we have voted against as the various departments were considered, and the various items which we did not deem necessary.

LATTIMORE,
STURGEON.

I vote "yea" on the final passage of the appropriation bill, because we are now convened in a Special Session of the Legislature and two weeks of that session are now gone and I believe that the Free Conference Committee, which will be appointed to adjust the differences between the House bill and the Senate bill, will retrench and eliminate from the appropriation bill a number of extravagant items which have been placed in the Senate bill over my vote.

I recognize the fact that the State Government can not run without money, so I have cast my vote for the passage of the Senate bill, but I do protest over an increase in salaries, which my votes will show, and other items in this bill which I believe should not have been placed therein.

MAYFIELD.

ADJOURNMENT.

Senator Weinert moved that the Senate adjourn until 10 o'clock Monday morning.

Senator Townsend moved, as a substitute, that the Senate adjourn until

10 o'clock tomorrow (Saturday) morning.

Action recurred on the longest time first and the motion to adjourn until 10 o'clock Monday morning was adopted.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin Texas, Aug. 10, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

House bill No. 6, A bill to be entitled "An Act to provide for an appropriation of \$8000.00 out of the unused portion of the \$100,000.00 authorized by the Constitution of the State of Texas, for the support of the Confederate Home for the year 1911, for building, painting and repair of said home, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Acting Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Aug. 10, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred,

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirty-second Legislature of the State of Texas, convened July 31, 1911, by proclamation of the Governor, and declaring an emergency."

Have had the same under consideration and beg to report the same back to the Senate, with recommendation that it do not pass, for the reason that the Senate bill on the same subject has passed.

WEINERT, Acting Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Aug. 10, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred,

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirty-second Legislature of the State of Texas, convened July 31, 1911, by proclamation of the Governor, and declaring an emergency."

Have had the same under consideration and beg to report the same back to the Senate, with the recommendation that it do pass and be not printed.

JOHNSON,
MAYFIELD.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
Monday, Aug. 14, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senator answering to their names:

Adams.	McNealus.
Astin.	Meachum.
Bryan.	Murray.
Carter.	Paulus.
Cofer.	Peeler.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.

Absent.

Perkins.	Real.
Ratliff.	Sturgeon.

Absent—Excused.

Willacy.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield, the same was dispensed with.

See Appendix for standing committee reports.

SIMPLE RESOLUTION.

By Senator Weinert:

Be it resolved by the Senate, that Whereas, Mr. Finton Hall, Committee Clerk, has resigned his position to take effect Sunday, August 12, 1911, therefore be it

Resolved, by the Senate, That the name of Mr. Dodson Stamps be substituted in his place to take effect from and after said date, and the said Dodson Stamps is hereby appointed Committee Clerk in lieu of said Finton Hall.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Vaughan:

Resolved by the Senate, That the letter of Hon. Jewel P. Lightfoot, Attorney General, to Horace W. Vaughan, chairman of the Senate Investigating Committee, of date August 12, 1911, relative to the powers of the said committee, be printed in the Journal for the information of the Senate.

The resolution was read and adopted.

Morning call concluded.

Following is the opinion referred to:

August 12, 1911.

Hon. Horace Vaughan, Senate Chamber, Building.

Dear Sir: We are in receipt of your letter, enclosing copy of a resolution adopted by the Senate on August 3rd, and also a copy of a resolution adopted by the Senate on August 10th, supplementing the duties and powers of the committee provided for in the original resolution, with request that we advise you as to whether the Investigating Committee provided for by said resolutions has authority to make examination into and take evidence upon the matters set forth in said resolutions and to compel the attendance of witnesses and require the said witnesses to testify.

The questions submitted being of great importance, involving as they do the power of one of the co-ordinate branches of the government, as well as the liberty of the citizens, has impelled us to make a careful and painstaking examination of all of the authorities to be had upon the subject, and while some of the questions involved are not free from